

IN THE MATTER OF THE APPLICATION OF ROBERT B. GREENWALT, ET UX, FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST SIDE OF UNIVERSITY AVENUE, 750' SOUTH-EAST OF CENTERLINE OF KENWOOD AVENUE (20 UNIVERSITY AVENUE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-92-A

OPINION

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner of Baltimore County dated November 5, 1990 which denied the property owner's Petition for a setback variance.

The Appellant, Robert Greenwalt, an attorney by profession, represented himself, and the Protestant, Samuel Guida, proceeded without Counsel but with the participation and support of the People's Counsel for Baltimore County.

To give some perspective to this case, Appellant personally installed an above ground-level swimming pool to the side of his rear yard, and in accord with the legal setback from his neighbor's fence. Appellant's wife, Mary Greenwalt, testified to the reasons for the pool placement which was rather restricted because of trees, the shape of the land and a bothersome water drainage problem.

When the deck to the pool was erected in 1988, a permit had not been obtained for the deck and Appellant testified that he was not aware of the required setback. Testimony indicates that Appellant did not respond to his neighbor's concerns about the deck

Robert B. Greenwalt, et ux, Case No. 91-92-A 2

encroachment on his property except to cut six inches off the width, and then to seek a zero foot setback after a protest had been filed with the Zoning Commissioner.

Samuel Guida testified that he had no objection to the swimming pool's location, but strongly objected to the deck servicing the pool, which was constructed by Appellant within a foot of the Guida property line. Mr. Guida further testified that the natural drainage problem is a neighborhood concern, but that the pool adds to his particular erosion problems. He considered the deck placement parallel and within inches of his fence as an encroachment to his property and strongly opposed anything less than the 2 1/2 foot setback required.

He also stated that the location of the deck and its appearance reduces the value of his property. He further stated that the deck could have been constructed on the opposite side of the pool where children's use would not be restricted nor his privacy disturbed. A buffer of bushes that could have provided some privacy was removed by Appellant when he installed his pool.

An area variance may be granted where strict application of the Baltimore County Zoning Regulations (BCZR) would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet those conditions outlined in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). In consideration of the testimony and exhibits

Robert B. Greenwalt, et ux, Case No. 91-92-A 3

entered into the record of this case, it is not evident that the Appellant would experience practical difficulty or unreasonable hardship if the requested variance of a zero foot side yard setback was denied. It is apparent that he can readily relocate the deck to the opposite side of his pool, utilizing the area of his open back yard without encroaching on that of his neighbor.

Furthermore, as summarized by People's Counsel at the conclusion of this case, laws provide parameters for people to live within harmoniously. This Board feels that the legal setback is justified in this matter. There is nothing topographical that requires the present location of the deck, only what was the optimum position for the Appellant. The Appellant's deck location in the view of this Board was one that was desirable for him but not a necessity. Enforcement of the zoning regulations would not unreasonably prevent the use of the pool nor be unnecessarily burdensome, and therefore the variance is denied.

ORDER

It is therefore this 24th day of September, 1991 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Variance to permit a zero foot side yard setback in lieu of the minimum 2 1/2 foot for an accessory structure (deck) is hereby DENIED.

Robert B. Greenwalt, et ux, Case No. 91-92-A 4

IT IS FURTHER ORDERED that the subject deck shall be removed on or before March 1, 1992.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Michael B. Sauer
Michael B. Sauer

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

September 24, 1991

Mr. and Mrs. Robert B. Greenwalt
20 University Avenue
Catonsville, Maryland 21228

Re: Case No. 91-92-A (Robert B. Greenwalt, et ux)

Dear Mr. Greenwalt:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County on the subject matter.

Sincerely,

Linda L. M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Samuel Guida
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

RE: PETITION FOR VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SW/S of University Ave. 750' SE :
S/E of Kenwood Ave. (20 : OF BALTIMORE COUNTY
University Ave. (1st Election :
Dist.: 1st Councilmanic Dist. :
ROBERT B. GREENWALT, et ux, : Zoning Case No. 91-92-A
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 16th day of January, 1991, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert B. Greenwalt, 20 University Ave., Catonsville, MD 21228, Petitioners; and Mr. and Mrs. Samuel N. Guida, 18 University Ave., Catonsville, MD 21228, Protestants.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S of University Avenue * ZONING COMMISSIONER
750 ft. SE c/o of Kenwood Ave. *
20 University Avenue * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case No. 91-92-A
Robert B. Greenwalt, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zero ft. side yard setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool/deck), as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Robert B. and Mary C. Greenwalt, appeared and testified. Appearing as a Protestant was Samuel and Sharon Guida.

Testimony indicated that the subject property, known as 20 University Avenue consists of .188 acres +/-, zoned D.R.5.5 and is currently improved with a single family dwelling and the accessory pool/deck, as indicated on Petitioners' Exhibit No. 1.

The Petitioner, Robert Greenwalt, testified that he placed the subject deck along the property to maintain his open backyard.

Mr. Samuel Guida testified that he is the Petitioner's next door neighbor immediately adjacent the subject pool. He indicated that he wants the 2-1/2 ft. setback requirements strictly enforced. Mr. Guida stated that the subject deck decreases the value of his property and that Petitioners could have easily placed the deck on the opposite side of the

pool away from his property. Mr. Guida submitted a boundary line survey (Protestant's Exhibit No. 1) which indicated that the subject deck is actually encroaching upon his property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the Petition, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. Clearly, the Petitioners have attempted to maximize the use of their back yard by thrusting a hardship upon their adjoining neighbor. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of Nov. 1990 that the Petition for a Zoning Variance from Section 400.1 of the B.C.Z.R. to permit a zero ft. side yard setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool/deck), in accordance with the Petitioners' Exhibit No.1, is hereby DENIED; and,

IT IS FURTHER ORDERED that the subject deck shall be removed on or before April 15, 1991.

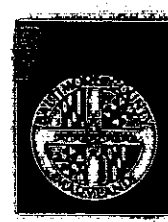
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3563

J. Robert Haines
Zoning Commissioner

November 5, 1990



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Robert B. Greenwalt
20 University Avenue
Catonsville, Maryland 21228

RE: Petition for Zoning Variance
Case No. 91-92-A

Dear Mr. and Mrs. Greenwalt:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
cc: Mr. and Mrs. Samuel Guida

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-92-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To permit a zero ft. side yard setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool/deck).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

A deck adjacent to the pool is necessary and useful for access, the deck is at a corner of the yard not used and strict compliance with the regulations would unreasonably prevent use of the portion of the property. Deck is wooden structure above ground.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Robert B. Greenwalt

(Type or Print Name)

Signature

Mary C. Greenwalt

(Type or Print Name)

Signature

20 University Ave.

Address

Catonsville, MD. 21228

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day

of Nov. 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of Oct. 1990, at 11 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

8:30 AM and 1:00 PM 45 min
avail. anytime
9/1/90

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1-51 Date of Posting: October 2, 1990

Posted for: Robert B. Greenwalt, et al.

Petitioner: Robert B. Greenwalt, et al.

Location of property: 20 University Avenue, 750' SE of 1st St.

Location of Signs: 20 University Avenue

Remarks: See notes

Posted by: J. Robert Haines Date of return: October 5, 1990

Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990

CATONSVILLE TIMES

S. Zeke Orlean
S. Zeke Orlean
Publisher

\$ 68.57

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-3, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990

THE JEFFERSONIAN,

S. Zeke Orlean
S. Zeke Orlean
Publisher

\$ 68.57

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

No 3151

Date: 5/09/90

H9100054

PUBLIC HEARING FEES QTY PRICE

010 - ZONING VARIANCE (IRL) 1 X \$35.00

LAST NAME OF OWNER: GREENWALT TOTAL: \$35.00

040400020NICHRC \$35.00

BA 003133PND0-09-90

Please make checks payable to Baltimore County NEXT BUSINESS DAY

Cashier Validation:

receipt

No 3151

receipt

Account: R-001-6150

Number

No 3151

No 3151

PUBLIC HEARING FEES QTY PRICE

010 - ZONING VARIANCE (IRL) 1 X \$35.00

LAST NAME OF OWNER: GREENWALT TOTAL: \$35.00

040400020NICHRC \$35.00

BA 003133PND0-09-90

Please make checks payable to Baltimore County NEXT BUSINESS DAY

ZONING DESCRIPTION

Beginning at a point on the south side of University Avenue which is forty feet wide at the distance of 440' south of the centerline of the nearest improved intersecting street, Kenwood Avenue, which is 40 feet wide. Being Lots numbered 24, 25 and 26, as shown on the Plat of Catonsville Knolls, as recorded in the Land Records of Baltimore County in Plat Book 7, folio 50, containing 7800 square feet. Also known as 20 University Avenue and located in the 12th Election District.

91-92-A

54

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3563

J. Robert Haines
Zoning Commissioner

DATE OCT 19 1990

Mr. & Mrs. Robert B. Greenwalt
20 University Avenue
Catonsville, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 91-92-A
SM/3 of University Avenue, 750' SE of 1st St. of Kenwood Avenue
20 University Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Robert B. Greenwalt, et ux
HEARING: THURSDAY, OCTOBER 25, 1990 at 11:00 a.m.

Dear Petitioners:

Please be advised that \$ 75.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$80.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:ga

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3333

Account: R-001-6190
Member

91-92-A

150.00

Please Make Checks Payable To: Baltimore County

Cashier: [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

September 7, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 306 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-92-A
SW/S of University Avenue, 750' SE of c/l of Kenwood Avenue
20 University Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Robert B. Greenwalt, et ux
HEARING: THURSDAY, OCTOBER 25, 1990 at 11:00 a.m.

Variance to permit a zero ft. side yard setback in lieu of the minimum 2 1/2 ft. for an accessory structure (pool/deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Greenwalt
Samuel Guida

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 3, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-92-A ROBERT B. GREENWALT, ET UX
SW/S of University Ave., 750' SE of c/l of Kenwood Avenue (20 University Avenue)
1st Election District
1st Councilmanic District
VAR-Side yard setback
11/5/90 -Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, AUGUST 23, 1991 AT 10:00 p.m.

cc: Robert & Mary Greenwalt Petitioners/Appellants
Samuel and Sharon Guida
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney
LindaLee M. Kuszmaul
Legal Secretary

5/22/91 P.D. 10
9/11/91 10:00am
J.R.G. 08

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 22, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-92-A ROBERT B. GREENWALT, ET UX
SW/S of University Ave., 750' SE of c/l of Kenwood Avenue (20 University Avenue)
1st Election District
1st Councilmanic District
VAR-Side yard setback
11/5/90 -Z.C.'s Order DENYING Petition.

which was scheduled for hearing on August 23, 1991 has been POSTPONED at the request of Protestants in this matter and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 11, 1991 AT 10:00 a.m.

cc: Robert & Mary Greenwalt Petitioners/Appellants
Samuel and Sharon Guida
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney
LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

September 11, 1990

Mr. & Mrs. Robert B. Greenwalt
20 University Avenue
Catonville, MD 21228

Dennis F. Rasmussen
County Executive

RE: Item No. 54, Case No. 91-92-A
Petitioner: Robert B. Greenwalt, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Greenwalt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

September 11, 1990

Mr. & Mrs. Robert B. Greenwalt
20 University Avenue
Catonville, MD 21228

Dennis F. Rasmussen
County Executive

RE: Item No. 54, Case No. 91-92-A
Petitioner: Robert B. Greenwalt, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Greenwalt:

Your petition has been received and accepted for filing this 29th day of August, 1990.

J. Robert Haines
Zoning Commissioner

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert B. Greenwalt, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 23, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert B. Greenwalt, Item No. 54

The Petitioner requests a Variance to permit a zero ft. setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool deck).

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM54/ZAC1

SEP 6 1990
ZONING OFFICE

Baltimore County
Fire Department
74 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(301) 887-4500
Fax: H. Baltimore

AUGUST 28, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT B. GREENWALT
Location: #20 UNIVERSITY AVENUE
Item No.: 54 Zoning Agenda: AUGUST 28, 1990

Gentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

CHECK ITEM APPLICABLE TO THIS PLAN

RWB : 8

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

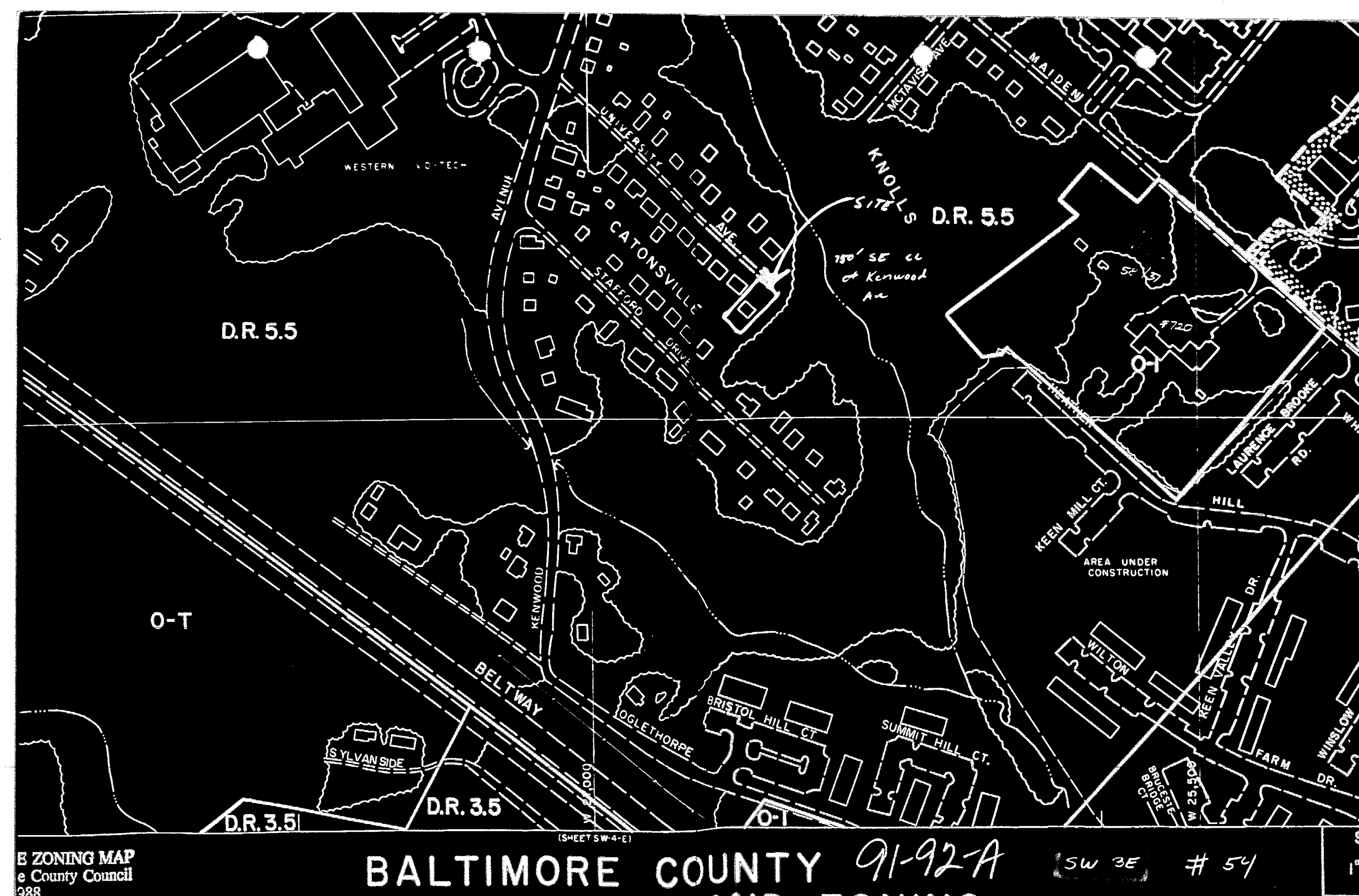
For

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

DP:18

Robert B. Greenwalt

rec. 12/3/90
J. J. Jones



Pet. Exh #1 (2 pgs)

#1 - Front of the Greenwalt House. Notice to the left the expanse of the full yard up to the tree on the left side and to the tree in the rear. Mr. Greenwalt's fenced in area is approx 92 ft which is considerably wider than the typical 60 ft wide lots on the street. This picture does not capture the full width of the Greenwalt lot.



#2 - This is a view across the Greenwalt's backyard as taken from our yard. Please notice the closeness of the pool and edge of the deck.



#3 - This is a view taken from the trees on the left of picture #1. You can see the width of the Greenwalt's back yard, the pool, deck, and our fence.



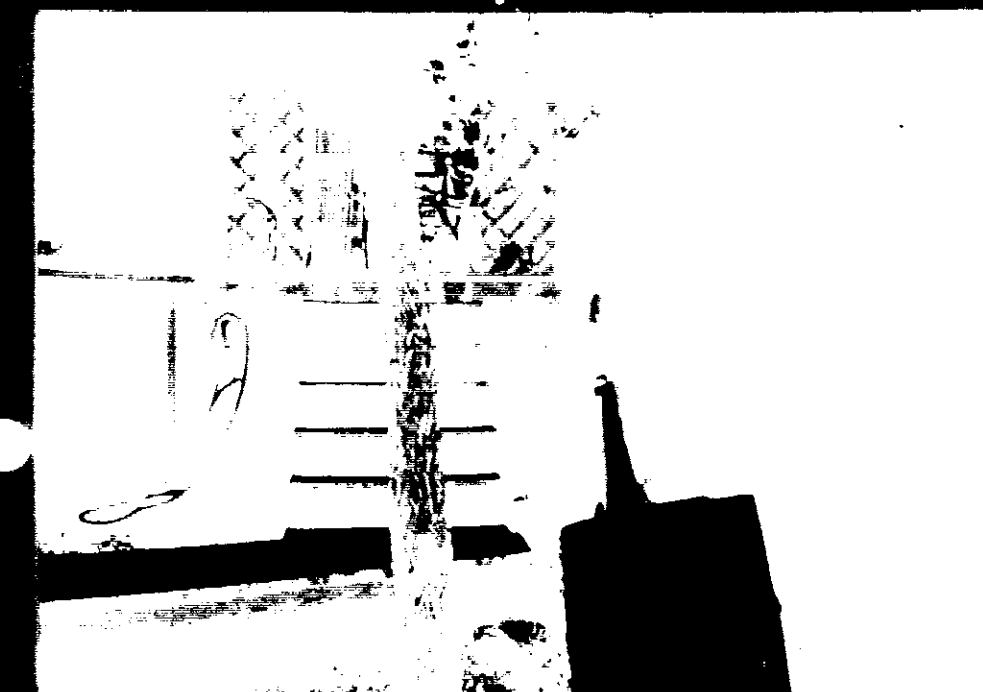
#4 - This picture shows the deck after the Greenwalts cut about six inches off the portion of the deck that encroached onto our property. There is still a question with regard to the boardwalk and the property line. This picture relates to the survey depiction.



#5 - This view, as with #1, 2, & 3, clearly shows that the deck should have been constructed on the opposite side of the pool because of the ample yard available.

These pictures together with the survey clearly demonstrate that the construction of the deck onto our property and the violation of the 2 1/2 foot setback were unnecessary since more than sufficient space is available to comply with existing regulations.

Before complaint



Adjustment after the complaint



Petitioner's Exhibit 2 91-92A

